

Regular Session, 2010

SENATE BILL NO. 444

BY SENATOR LAFLEUR

SCHOOLS. Repeals provisions relative to schools that are outdated or have been held unconstitutional. (8/15/10)

AN ACT

To repeal R.S. 17:81.1, 178, 221.1, 225.1, 234, Subpart C-2 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:255 through 260, 267, Subpart E of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:291 through 295, Subpart F of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:322 through 326, Part XIV of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1321 through 1325, 1380 through 1382, 2111, 2113, 2131 through 2135, Chapter 16 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:2851 through 2853, and Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3701 through 3713, relative to schools; to repeal outdated or unconstitutional provisions relative to assignment, enrollment, and transfer of pupils, certain scholastic awards, certain unexcused absences from school, school schedule and parental involvement pilot programs, compulsory attendance for certain special needs children, required instruction, courses, and seminars, establishment of part-time schools for certain students, changes in classification of schools, certain secular education services, creation of

1 junior college districts and colleges, vision and hearing screening supplies and
2 training, certain postsecondary education admission requirements, and asbestos
3 detection programs; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 17:81.1, 178, 221.1, 225.1, 234, Subpart C-2 of Part III of Chapter
6 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:255 through
7 260, 267, Subpart E of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 17:291 through 295, Subpart F of Part III of Chapter 1 of Title 17
9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:322 through 326, Part XIV
10 of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11 17:1321 through 1325, 1380 through 1382, 2111, 2113, 2131 through 2135, Chapter 16 of
12 Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:2851 through 2853,
13 and Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 17:3701 through 3713, are hereby repealed.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Present law (R.S. 17:81.1)(Act 26, 1960 1st Ex. Sess.)

1. Prohibits the transfer of pupils from one public school to another after the 21st calendar day unless the pupil's parent or legal guardian moves to a residence outside of the attendance zone of the school he is transferring from.
2. Prohibits private school pupils from transferring to a public school after the 21st calendar day unless the pupil's parent or legal guardian moves to a residence outside of the attendance zone of the public school he would have been enrolled in had he attended public school.
3. Prohibits transfer of pupils to any public school if the parent or legal guardian moves temporarily for the purpose of effecting a transfer of school in violation of law.
4. Prohibits enrollment of a pupil in a public school if temporary residence was established to obtain admission to a specific school and evade assignment to the school he would have normally been assigned.
5. After the 21st calendar day, prohibits (without proper transfer) the enrollment of a pupil in a public school other than the one he would have normally been assigned.
6. Provides a penalty of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, for a local school board member or school superintendent who consents to or cooperates in the enrollment or transfer of a pupil

contrary to present law.

7. Renders any transfer or enrollment made in violation of present law and any school board policy in conflict with present law null and void.

Present law was held unconstitutional by the U.S. District Court, Eastern District of Louisiana, Bush v. Orleans Parish School Board, November 1960.

Present law (R.S. 17:178)(Act 324, 1992)

1. Beginning with the 1992-93 school year, requires each middle and high school in the state to present Science and Math Medal for Youth Awards to one female and one male student in each such school.
2. Requires the State Board of Elementary and Secondary Education (BESE) to develop guidelines for selection of students to receive the award and to establish a selection process for naming two outstanding students annually from among all eligible students.
3. Provides that local regional award recipients shall be presented with a medal at an appropriate ceremony. State level award recipients shall receive a medal, be suitably recognized by BESE, and have the opportunity to be presented to the legislature.

Present law (R.S. 17:221.1)(Act 521, 1966)

Provides that no parent, tutor, or any other person shall entice, coerce, intimidate, persuade, compel and/or solicit children to be absent from school on regular school days during regular school hours for the purpose of participating in unauthorized demonstrations. Provides a penalty of not more than \$100 or 10 days imprisonment, or both, for violations of present law.

Present law (R.S. 17:225.1)(Act 107, 1982)

1. Requires the Department of Education (DOE), with BESE approval, to establish guidelines for the implementation of a reduced school schedule in any city or parish school system.
2. Subject to DOE and BESE approval, authorizes eligible local school boards to design a class schedule that would operate less than five days per week, provided the yearly classroom instructional hours are not reduced.
3. Provides that a pilot program be established and evaluated in Red River Parish schools before the program could be implemented in other school systems.

Present law (R.S. 17:234)(Act 109, 1964)

Requires every parent or legal guardian of mentally or physically deficient children to enforce their attendance at the special schools or classes provided by the state or local school board and to which they have been assigned. Applies only to blind, deaf, and spastic children where the special schools for such children have available space and facilities for their training and for which the children meet the entrance requirements.

Present law (R.S. 17:255-260)(Act 548, 1991)

1. Creates the Parents As Teachers Grant Program as a statewide grant program within the Department of Education and coordinated through local school boards to train parents of children aged 0-3 as teachers and provide them with information on childhood development and parenting skills.
2. Provides for requests for proposals to be developed and solicited from local school

boards by March 1, 1992 and each year thereafter.

3. Establishes a deadline of January 1, 1996 for DOE to assess program costs and effectiveness and report to legislature.
4. Provides that program be implemented to the extent funding was available.

Present law (R.S. 17:267)(Act 150, 1924)

Requires that, where practicable, male public school students in grade 8 and above be given at least one hour of instruction per week in the principles and practice of military science and tactics, with special reference to the duties of the soldier and object of general military interest.

Present law (R.S. 17:291-295)(Act 70, 1932)

1. Authorizes municipalities to establish and provide by ordinance for part-time schools and classes for female children between the ages of 14 and 18 and male children between the ages of 14 and 16 who are employed and who have not completed high school graduation requirements.
2. Provides that such schools will be administered by the local school board subject to supervision by the state board of education.
3. Provides that such schools and classes shall provide students with not less than 144 hours of instruction per year and that classes must be held between the hours of 9:00 a.m. and 5:00 p.m.
4. Requires employers to grant release time for such students to attend classes and provides a penalty of not less than \$10 nor more than \$200 if they do not.

Present law (R.S. 17:322-326)(Act 463, 1948)

Requires the following before the use or status of a school can be changed:

1. Posting of printed notices and publication in official journal of the details of the proposed change.
2. Specifies the print type, sign size, and publication date requirements.
3. Maps showing the measurements, locations, municipal numbers, and ownership of all property within 600' of the school site must be filed with the local governing authority.
4. A petition of consent must be filed with the local governing authority. The petition must be circulated to all property owners in the prescribed 600' radius. 70% of the property owners must give consent and signatures must be verified.

Present law (R.S. 17:1321-1325)(Act 223, 1970)

1. Enacts the Louisiana Secular Educational Services Law whereby the state would pay qualified teachers in approved nonpublic schools, in accordance with the state minimum salary schedule, for teaching secular subjects.
2. Requires the state superintendent of education to contract for the purchase of secular educational services and otherwise administer present law .
3. Establishes the Secular Educational Services Fund for payment of such teachers.

Present law was held unconstitutional by the La. Supreme Court, Seegers v. Parker, October 1970.

Present law (R.S. 17:1380-1382)(Act 173, 1928)

1. Allows local school boards (other than Orleans Parish) to create junior college districts, with taxing authority, and establish junior colleges that would be under the supervision of the state Department of Education.
2. Provides that such colleges must be operated in connection with a state high school and offer two years of standard college work.
3. Requires the local school boards and parish governing authority to vote as a unit, in joint session, to choose the location of the junior colleges and prohibits the creation of more than one junior college for any one parish or district.

Present law (R.S. 17:2111)(Act 292, 1908)

Requires the state board of health and the superintendent of education to provide testing supplies, record books, and equipment to be used to test the sight and hearing of public school students, along with instructions for their use, to every public school in the state.

Present law (R.S. 17:2113)(Act 56, 1910)

Requires local school boards to ensure that Columbus Day, October 12th, is observed with fitting and appropriate exercises. Provides that failure to do so shall subject school boards and members to charges of nonfeasance and neglect of duty.

Present law (R.S. 17:2131-2135)(Act 15, 1956)

1. Provides that no person shall be registered at or admitted to any publicly financed institution of higher learning unless having first filed with such institution a certificate attesting to his or her eligibility and good moral character signed by the local school superintendent and principal of the high school from which he graduated.
2. Requires the state Department of Education to prepare the form and furnish forms to local school superintendents.
3. Requires that all public high school graduates be given proper notice of this requirement at the time of graduation and requires institutions of higher learning to incorporate this essential admission requirement in their annual catalogs.
4. Provides that any higher education official or employee who admits a student in violation of present law shall be guilty of a misdemeanor and upon conviction be fined not more than \$500 or imprisoned for not more than 6 months, or both.
5. Authorizes the state board of education and the LSU Board of Supervisors to adopt such other entrance requirements, including aptitude and medical examinations, as they consider proper.

Present law was held unconstitutional by the U.S. District Court for the Eastern District of Louisiana, Ludley v. Board of Supervisors of Louisiana State University and A&M College, 1957. Upheld by the U.S. 5th Circuit Court of Appeals, 1958.

Present law (R.S. 17:2851-2853)(Act 73, 1961; Act 450, 1962)

1. Requires the Department of Education to annually provide seminars of at least two days duration to provide selected teachers and 11th/12th grade high school students with a clear understanding of the fundamental principles of the American form of

government, the evils of socialism, and the basic philosophy of communism and the strategy and tactics used by communists in their efforts to achieve world domination.

2. Provides for an annual appropriation from the state general fund of \$30,000, or as much thereof as is necessary, to provide funds for the expenses of the seminars and for room and board of students attending the seminars.

Present law (R.S. 17:3701-3713)(Act 268, 1981)

1. Creates the Louisiana Educational Facilities Asbestos Detection Program to provide a mechanism to detect and catalog the presence of friable asbestos in public elementary and secondary school buildings constructed prior to 1972 so it can be removed in the interest of child safety and welfare, at no cost to the school.
2. Provides for the analysis by the appropriate higher education institution of samples sent from every school within its area and provides that each institution shall receive funds appropriated by the legislature for this purpose.
3. Provides that, upon request, the attorney general shall provide assistance to local school boards in evaluating whether there are grounds to initiate a civil suit for damages against a manufacturer, supplier, or installer of asbestos materials in a school and conduct any civil suit that might result.
4. Provides that the provisions of present law shall cease to be effective two years after the date of original enactment.

Proposed law repeals all provisions of present law enumerated above.

Effective August 15, 2010.

(Repeals R.S. 17:81.1, 178, 221.1, 225.1, 234, 255-260, 267, 291-295, 322-326, 1321-1325, 1380-1382, 2111, 2113, 2131-2135, 2851-2853, and 3701-3713)